

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In Re:

Case No. 1-21-40360-ESS

NICOLE CUMBERBATCH
a/k/a NICOLE CUMBERBATCH-COX,
dba Gloria's In & Out III
dba Gloria's In & Out 3,

Chapter 7

Debtor.

STIPULATION TO MODIFY AUTOMATIC STAY

WHEREAS on or about September 20, 2021, prior to on-the-record proceedings before the Hon. Elizabeth S. Stong, United States Bankruptcy Judge, there was a telephonic conference by counsel for the Chapter 7 Trustee, the Debtor, and Judgment-Creditors Nel-Del Realty Associates, LLC and Ravi Batra, wherein modifications to the automatic stay were agreed to; and,

WHEREAS, during the September 20, 2021 conference with Judge Stong, Robert Rambadadt agreed to the proposed modifications of the automatic stay; and,

WHEREAS, during the September 20, 2021 conference, Judge Stong allowed ~~directed~~ the parties to submit a written stipulation delineating the scope of the agreed upon modifications to the automatic stay,

IT IS HEREBY STIPULATED AND AGREED, BY AND AMONGST THE UNDERSIGNED PARTIES, BY THEIR UNDERSIGNED COUNSEL, that subject to the Order of the United States Bankruptcy Court for the Eastern District of New York:

1. The automatic stay of civil proceedings against Debtor Nicole Cumberbatch that went into effect on or about February 13, 2021 is modified solely as follows:

i. Proceedings in the Supreme Court, Kings County, styled *Nel-Del Realty Associates, LLC, et. al. v. Cumberbatch*, Index No. 504200/2020, that began and were proceeding pre-petition may continue to the extent that the Supreme Court may hear, consider and determine the Order to Show Cause issued December 23, 2020, (a copy of which is annexed hereto as **Exhibit "A"**), which seeks:

a. to hold state court defendant Nicole Cumberbatch, the Debtor herein, in civil and criminal contempt for failure to comply with prior court orders, including, but not limited

to the order and judgment dated November 30, 2020, entered December 7, 2020, assigned New York electronic docket number NYSCEF No. 110 with its Notice of Entry, which directed Nicole Cumberbatch to perform certain delineated acts, including, but not limited to, the 20 enumerated acts at ¶ 5, which included letters that Nicole Cumberbatch was obligated to issue to the City of New York's Departments of Buildings and Finance recanting her "identity theft" of judgment creditor Nel-Del Realty Associates, LLC;

b. impose sanctions on Nicole Cumberbatch pursuant to New York Supreme Court Rules Part 130;

c. impose sanctions and penalize Robert Rambadadt pursuant to New York Supreme Court Rules Part 130 and New York Judiciary Law § 487;

ii. Judgment-creditors Nel-Del Realty Associates, LLC and Ravi Batra may serve the stipulation dated February 10, 2021, as "So Ordered" by the Supreme Court, Kings County on February 16, 2021, vacating and lifting the "gag order" imposed November 30, 2020 and entered December 7, 2020, including with Notice to the Kings County Clerk; and

iii. Absent further order of this Court, the automatic stay otherwise continues except as modified herein.

2. Nothing contained in this stipulation shall be read to limit or disturb the continued authority and powers of the United States Bankruptcy Court, Chapter 7 Trustee Debra Kramer, or the United States Trustee (the "Trustee"), and all the Trustee's rights, claims, and remedies are expressly reserved. Other than as set forth herein, all protections afforded by 11 U.S.C. § 362 shall remain in full force and effect and nothing contained herein shall authorize or permit Judgment-creditors Nel-Del Realty Associates, LLC and Ravi Batra to enforce any judgment against property of the Debtor's estate.

3. The judgment-creditors' pending motion to lift and/or modify the automatic stay shall otherwise be continued on the docket and next addressed on November 16, 2021 at 10:30 a.m.

4. This Stipulation may be executed in one or more counterparts, each of which is deemed an original, together constituting one and the same document. Facsimile signatures, signatures in portable document format (.pdf), or other electronic means, are deemed originals for purposes of this Stipulation.

5. This Stipulation may not be altered, modified, or changed unless in writing, signed by the Parties or their respective counsel.

6. The Bankruptcy Court ~~shall~~ may retain jurisdiction to interpret, enforce and resolve any disputes arising under or related to this Stipulation.

[SIGNATURE PAGE FOLLOWS]

Dated: October 4, 2021

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Nel-Del Realty Associates, LLC and
Ravi Batra

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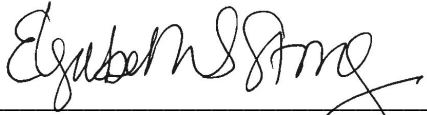
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IT IS SO ORDERED

Dated: Brooklyn, New York
October 6, 2021




Elizabeth S. Stong
United States Bankruptcy Judge